

### **REMARKS**

Claims 1-27 are pending and under consideration in the above-identified application. In the Final Office Action of March 9, 2009, claims 1-27 were rejected.

With this Amendment, claims 1, 2, 12 and 13 are amended.

#### **I. 35 U.S.C. §103 Obviousness Rejection of Claims**

Claims 1-22, 26 and 27 were rejected under 35 U.S.C. § 103(q) as being anticipated by or under 35 U.S.C. § 103(a) as being unpatentable over *Tamura* (U.S. Publication No. 2002-0168572) ("*Tamura*") in view of *Ying* (U.S. Pat. No. 6,183,901) ("*Ying*").

Claims 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tamura* in view of *Ying* and in further view of *Morishima* (U.S. Publication No. 2003-0054253). Applicants respectfully traverse these rejections.

In relevant part, each of the independent claims 1, 2, 12 and 13 recite the thin film layer of a battery comprising several layers and the layer in contact with the active material layer being made of a metal material which alloys with silicon or germanium and the other layers being made of one or more metal materials different than that of the layer in contact with the active material layer.

In the Final Office Action of March 9, 2009, the Examiner admits that *Tamura* fails to disclose several layers where the other layers not in contact with the active material layer are made of a different material than that of the layer in contact with the active material layer. See, Final Office Action of March 9, 2009 at Page 7.

Nowhere do *Ying* or *Morishima* disclose anything pertaining to a battery having several layers and the layer in contact with the active material layer being made of a metal material which alloys with silicon or germanium and the other layers being made of one or more **metal**

**materials different than that of the layer in contact with the active material layer.** *Ying* discloses a pseudo-boehmite separator layer which is coated with protective coating layer comprising a polymer. See, U.S. Pat. No 6,183,901, Col. 11, l. 35-41. *Morishima* only discloses a separator arranged on a positive electrode layer. See, U.S. Pat. Pub. No. 2003/0054253, Para. [0106].

As the Applicants' specification teaches, by providing the thin film layer of a battery comprising several layers with the layer in contact with the active material layer being made of a metal material which alloys with silicon or germanium and the other layers being made of one or more metal materials different than that of the layer in contact with the active layer, separation of the active material layer from the thin film layer is prevented and the cycle characteristics of the battery are improved. See, U.S. Pat. Pub. No. 2004/0234861, Paras. [0031]-[0036].

Therefore, because *Tamura*, *Ying*, *Morishima* and any combination of them fails to disclose, or even fairly suggest, every feature of claims 1, 2, 12 and 13, the rejection of claims 1, 2, 12 and 13 cannot stand. Because claims 3-11 and 14-27 depend either directly or indirectly from claims 1, 2, 12 and 13, they are allowable for at least the same reasons.

## II. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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